THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18754 of 2005

24-08-2005

Between:

J.Ramesh

... PETITONER

AND

The Depot Manager, APSRTC, Mahabubabad Depot, Mahabubabad, Warangal District.

.....RESPONDENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18754 of 2005

ORDER:

This writ petition is filed aggrieved by the impugned order imposing a major punishment on the petitioner without conducting a regular departmental enquiry.

According to the petitioner, he was appointed as a Driver in the respondent-Corporation. While working as such, he was charge sheeted on 07.08.1991 alleging that he drove the vehicle in rash and negligent manner and caused accident; and was called upon to submit his explanation. Accordingly, he submitted his explanation on 27.08.1991. Thereafter, the respondent, instead of conducting a regular departmental enquiry, if not satisfied with the explanation, passed the impugned order imposing a major punishment of withholding annual increment for a period of two years with cumulative effect.

The contention of the learned counsel for the petitioner is that imposition of such a major punishment without conducting a regular departmental enquiry is illegal and unsustainable in the light of the judgments of this Court as well as the Supreme Court. Hence, he sought for setting aside the impugned order.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

Prima facie, the impugned order passed by the respondent imposing a major punishment without conducting a regular departmental enquiry is illegal and unsustainable. However, as the petitioner approached this Court after long lapse of time, this Court is

of the opinion that instead of remanding the matter to the authorities, it is appropriate to modify the major punishment to a minor punishment.

Accordingly, the impugned order is modified to the extent of withholding annual increment for a period of two years without cumulative effect. It is further made clear that the monetary benefits to which the petitioner is entitled to as a result of modification of the impugned order would be available to him only from the date of this order, but not for the period prior to this order.

The writ petition is accordingly disposed of. No costs.

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24.08.2005

VGB